

**The applicant claims that the Court should:**

- declare that, by failing to adopt all the laws, regulations and administrative provisions necessary to comply with Directive 2001/42/EC <sup>(1)</sup> of the European Parliament and of the Council of 27 June 2001 on the assessment of certain plans and programs on the environment or in any event by failing to inform the Commission thereof, the Kingdom of the Netherlands has failed to fulfil its obligations under that directive;
- order the Kingdom of the Netherlands to pay the costs.

**Pleas in law and main arguments**

The period for implementing the directive in national law expired on 21 July 2004.

<sup>(1)</sup> OJ 2001 L 197, p. 30.

**Action brought on 24 February 2006 — Commission of the European Communities v Hellenic Republic**

(Case C-112/06)

(2006/C 121/07)

*Language of the case: Greek*

**Parties**

*Applicant:* Commission of the European Communities (represented by: M. Konstantinidis)

*Defendant:* Hellenic Republic

**Form of order sought**

The applicant asks the Court to:

- (a) declare that, by failing to take the necessary measures to ensure that:
  - the waste in the landfill sites of Mesomouri and Kouroupitos in Crete is disposed of without endangering human health or the environment,
  - the waste in the landfill sites of Mesomouri and Kouroupitos is handled by a private or public waste collector or by an undertaking which carries out waste disposal operations,
  - the landfill site at Mesomouri, which has not been authorised to continue operating, will cease operating

as soon as possible, and the necessary procedure of after-care and management will be followed,

the Hellenic Republic has failed to fulfil its obligations under Articles 4 and 8 of Council Directive 75/442/EEC <sup>(1)</sup> of 15 July 1975 on waste, as amended by Directive 91/156/EEC <sup>(2)</sup>, and Article 14(b) of Council Directive 1999/31/EC <sup>(3)</sup> of 26 April 1999 on the landfill of waste;

- (b) order the Hellenic Republic to pay the costs.

**Pleas in law and main arguments**

1. The applicant considers that the disposal of waste at the Mesomouri and Kouroupitos, Crete, sites is taking place in infringement of the Hellenic Republic's obligations under Articles 4 and 8 of Directive 75/442 on waste, as amended by Directive 91/156/EEC, and under Article 14(b) of Directive 1999/31/EC on the landfill of waste.

2. As regards the uncontrolled disposal of waste at Mesomouri, the conclusions of the report of the Commission's experts showed that the tipping of 90 000 tonnes of waste at the site endangers human health and is likely to harm the environment. In addition, the Commission stresses that the Greek authorities have not taken the measures necessary to ensure that the waste tipped at Mesomouri will be handled by a private or public waste collector or by an undertaking which carries out waste disposal operations.

The Commission adds that the Greek authorities have decided that the Mesomouri site ought to cease operating, finding it essential to restore it and to lay down specific requirements for subsequent after-care and management of the site. Nevertheless, that decision does not include a specific timetable for compliance and has not yet been put into effect on account of lack of resources.

3. As regards the old tip at Kouroupitos, the Commission's experts' report showed that the site has not been restored and stresses the likely risks to human health and the environment. The report refers in particular to the fact that there is: 1. leaching of a large part of the earth cover; 2. insufficient stability and resistance to deterioration; and 3. incineration of the existing waste in the tip, which can lead to toxic emissions. At the same time the Greek authorities have not taken the necessary measures to ensure that the waste at Kouroupitos will be handled by a private or public waste collector or by an undertaking which carries out waste disposal operations.

<sup>(1)</sup> OJ L 194 of 25.07.1975, p. 39.

<sup>(2)</sup> OJ L 78 of 26.03.1991, p. 32.

<sup>(3)</sup> OJ L 182 of 16.07.99, p. 1.